

### **STATUS OF THE CLAIMS**

Claims 1-48 are pending in the Application.

Claims 1-48 have been rejected by the Examiner.

Claims 1, 16, 29 and 41 have been amended, without prejudice, herein.

### **REMARKS**

Reconsideration of the present Application is respectfully requested.

### **Response After Final**

Entry of this Response is respectfully requested on the ground that this Response places the application in condition for allowance. Alternatively, entry of this Response is respectfully requested on the ground that this Response places the claims in better form and condition for appeal. Furthermore, Applicant submits that any arguments made regarding the claims herein do not require an additional search on the part of the Office, nor do any arguments made herein raise new issues with regard to the patentability of the claims now pending.

**Claim Rejections Pursuant to 35 U.S.C. §103(a)**

Claims 1-5, 8-9,16-20,29-32, 41 and 45-48 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Assisi (U.S. Patent No. 5,696,488) in view of Manross, Jr. (U. S. Patent No. 6,414,663). Claims 6-7, 21-22 and 33-34 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Assisi (U.S. Patent No. 5,696,488) in view of Manross, Jr. (U. S. Patent No. 6,414,663) and further in view of O'Brien (U.S. Patent No. 6,055,569). Claims 10-15, 23-28, 35-40 and 42-44 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Assisi (U.S. Patent No. 5,696,488) in view of Manross, Jr. (U. S. Patent No. 6,414,663) and further in view of Wants (U.S. Patent No. 6,008,727). Applicant respectfully traverses these rejections for at least the following reasons.

35 U.S.C. §103(a) recites:

[a] patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all claim limitations. The teaching or suggestion to make the claimed

combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). MPEP 706.02(j).

Applicant respectfully submits that none of the references, either separately or in any combination, teach or suggest each of the limitations of independent claims 1, 16, 29 and 41. Specifically, the art of record does not teach or suggest a portable memory reading device which, via a non-permanent wireless proximity link and while the processor and memory device are affixed in their location, is capable of loading information to the memory device, and, at a different point in time, retrieving the information from the memory device for display to a user, as recited in amended claims 1, 16, 29 and 41.

Regarding the disclosure of Assisi, Applicant agrees with the Examiner that Assisi does not teach the processor and the memory device affixed to the substantially immovable equipment. Applicant also notes that Assisi does not teach or suggest the communicating apparatus (Assisi at Fig. 1, reference no. 3) being capable of writing or loading any of the stored information to the storage device prior to the retrieval of such information. With regard to the disclosure of Manross, only a single unit for displaying pre-recorded information, which is housed in a gravestone, is disclosed. Manross does not even hint at the idea of the single unit display being associated with a network of any sort, no less communicatively connected to a portable memory reading device capable of writing and retrieving information via a non-permanent wireless proximity link. With regard to the remaining references of record, O'Brien teaches a browser for accelerating web access, while Want teaches a radiofrequency electronic tagging system not having anything to do with a system including a portable memory reading device capable of writing and

receiving the information to and from a memory device at different points in time via a non-permanent wireless proximity link while the processor and memory device are in their affixed and substantially inaccessible location.

Support for the current amendments made to Claims 1, 16, 29 and 41 can be found generally within the Specification of the present Application, and specifically at page 9, line 21 to page 10, line 7, wherein it states:

Portable memory device 5 may comprise a special purpose computer, a portable general purpose computer such as a laptop computer, or any other type of portable computerized device, including a hand-held portable computer, a wireless communications device, and/or a smart wireless communications device, that has the ability to read, receive, and/or display all or a portion of the information stored on memory devices 2B-3B when placed at locations 2-3 or in close proximity to memory devices 2B-3B. Typically, portable memory reading device 5 will have an integrated means of reading, receiving, and/or writing information from or to memory devices 2B-3B.

Applicant therefore respectfully submits that none of the references of record, either separately or in any combination, teaches or suggests a portable device capable of **writing and receiving** information to and from a memory device at different points in time via a non-permanent wireless proximity link while the processor and memory device are in their affixed location, as is recited in each of amended independent claims 1, 16, 29 and 41. Applicant further submits that claims 2-15, 17-28, 30-40 and 42-48 are similarly distinguishable over the cited references, by virtue of their ultimate dependency from a patently distinct base claim 1, 16, 29 or 41.

**Conclusion**

Applicant respectfully requests reconsideration of the present Application in light of the reasons set forth herein, and a Notice of Allowance for all pending claims is earnestly solicited.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'THOMAS J. MCWILLIAMS', is written over a horizontal line.

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